

REMARKS

Claims 4-6 and 8-28 are presently pending in the application. Claims 25-27 have been withdrawn from consideration. Claims 1-3, 7, and 29 have been cancelled. Claims 4-6, 8-24 and 28 are currently under examination. No new matter is added to the Application. Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

Claim rejections under 35 USC 102(e)

Claims 4-6, 8-24, and 28 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Carter et al. (US 2002/0082411; henceforth Carter (US)) and Carter et al. (IDS reference F1; henceforth Carter (WO)). Carter et al (US) and Carter et al (WO) disclose the amino acid sequence of a protein designated “pCRC187”, in which the first 24 amino acids are identical to those represented by SEQ ID NO:7 of the instant application, and are encoded by a nucleotide sequence that is identical to SEQ ID NO:3 of the instant application. Based on this sequence disclosure and the additional teachings of Carter (US) and Carter (WO), the Examiner alleges that every embodiment of the instantly claimed invention is anticipated by these two references. Applicants respectfully traverse the stated grounds of these rejections under 35 U.S.C. 102(e).

The basis for the present rejections under 35 U.S.C. 102(e) is the fact that Carter (US) and Carter (WO) both claim priority to US application 60/191,274 (March 22, 2000), which was filed before the priority date of the subject application (June 5, 2000). Applicants also note that Carter (US) and Carter (WO) also claim priority to US application 60/204,249 (May 15, 2000) and US application 60/264,003 (January 23, 2001). Applicants respectfully bring to the Examiner's attention the fact that Carter (US), Carter (WO), and the subject application, as well as all priority documents cited above are commonly owned by the Assignee of the subject application, Corixa Corporation. Therefore, Applicants have in their possession the file wrappers of each of these applications.

Attached to this response, Applicants are including copies of the priority documents of Carter (US) and Carter (WO): US application 60/191,274 (exhibit A), US application 60/204,249 (exhibit B), and US application 60/264,003 (exhibit C) as well as their respective filing receipts.

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As can be seen from inspection of these documents, the subject matter that forms the basis of the present 102(e) rejections of the instant application, namely the amino acid sequence of pCRC187, was not disclosed in any of the above-cited priority documents. Instead, the pCRC187 sequence was first disclosed in the regular US and PCT applications, Carter (US) and Carter (WO), which were both filed on March 22, 2001. Therefore, SEQ ID NOS:7 and 3 and each additional embodiment of the instantly claimed invention possess an earlier priority date than the amino acid sequence pCRC187, and thus Carter (US) and Carter (WO) and are not available as anticipatory art under 35 U.S.C. 102(e). Based on this evidence, Applicants respectfully request withdrawal of all rejections under 102(e) of the instant application.

Objection to the Specification

The abstract of the disclosure is objected to because the use of the term "novel" is allegedly improper. Applicants respectfully traverse the grounds of this objection and submit that the term "novel" is proper based on the evidence submitted with this response.

The Commissioner is authorized to charge any fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 50-0597.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned at 206-754-5828 with any questions, concerns or suggestions pertaining to this communication.

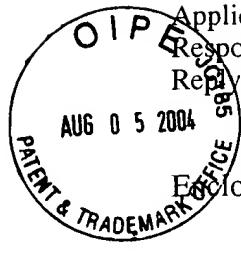
Respectfully submitted,

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Enclosures:

Exhibits A – C
Form PTO/SB/21
Form PTO/SB/17 (+ copy)

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